

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-A-319-MA-2013 (O&M) and
CRA-AS No.48 of 2016
Date of Decision: March 03, 2016**

Union Territory of Chandigarh

.... Petitioner

vs.

Rohit Nanda

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Toor, APP, for the applicant-U.T., Chandigarh.

Mr. Sandeep Vermani, Advocate for the respondent.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

CRM-30054-2013

There is delay of 47 days in filing the application for grant to leave to appeal.

For the reasons mentioned in the application, delay of 47 days in filing the application for grant of leave to appeal is condoned.

Application stands disposed of.

CRM-A-319-MA-2013

Application for grant of appeal to appeal is granted and Appeal No.CRA-AS No.48 of 2016 has been assigned by the Registry.

The present application for grant of leave to appeal has been filed against the judgment dated 18.12.2012 passed by learned Chief Judicial Magistrate, Chandigarh, acquitting the respondent for the commission of offences under Sections 7(ii) and 16(1) (a)(i) of

the Prevention of Food Adulteration Act, 1954 (in short 'the Act') read with Rule 32(c)(iii) and 42(zzz)(16) of Prevention of Food Adulteration Rules, 1955, holding that the complaint is not maintainable on account of the fact that the Food Inspector is not competent to purchase the food articles for analysis.

Heard.

Learned counsel for the applicant-appellant has produced the authority of Division Bench of this Court delivered in case of **“State of Punjab vs Sher Singh”, 1984(1) FAC 140** , wherein the similar case under the Act, it was observed as under:

“ -- By virtue of Section 12 of the said Act two categories were made of the persons who could take action and it says that nothing contained in the Act shall be held to prevent as purchaser of any article of Food other than a Food Inspector for having such article analysed from the Public analyst. The complainant has specifically acted in the present case as a Food Inspector and not as an ordinary purchaser. We do not consider it proper that after the complainant had failed to show himself as a Food Inspector the proceedings should still be held to be valid by considering him to be a purchaser. If such a view as canvassed by the learned state counsel were to be taken, the provision contained in Section 20 of the Act in relation to the cognizance of the offences would lost all meaning.”

Therefore, it comes out that a Food Inspector, who had not undergone the requisite training, is competent to purchase the

food articles for analysis and maintain the complaint.

It being so, the impugned judgment is set aside and the case is remanded to the court of learned Chief Judicial Magistrate, Chandigarh for fresh decision in accordance with law.

March 03, 2016

sarita

**(KULDIP SINGH)
JUDGE**